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SUBJECT: TECHNICAL ASSISTANCE IMPROVES ABILITY OF NEWLY
CREATED NICARAGUAN NATIONAL POLICE VETTED UNIT TO FIGHT
CORRUPTION AND TRANSNATIONAL CRIME

REF: MANAGUA 00911

11. (SBU) SUMMARY: After several years of planning, a vetted unit has been created in Nicaragua to investigate high-profile financial, corruption-related, narcotics and transnational crimes. The unit has been initially funded by illicitly acquired assets of corrupt former Nicaraguan officials that were seized in the United States and subsequently repatriated for this purpose. Capacity and technical assistance to unit members has commenced with funds from INL and DOJ OPDAT. A protracted, comprehensive, multi-disciplinary training program is being implemented to provide the unit's personnel with the necessary specialized knowledge to enforce the law against those who commit corrupt acts. END SUMMARY.

Background: Fulfilling a Great Need

12. (SBU) In Nicaragua, corruption within the judiciary constitutes a strong obstacle to anti-corruption law enforcement efforts. There is little political will, however, to reform this corrupted institution. Ineffective law enforcement institutions do not deter crimes related to corruption. Instead, within a weakened and politically manipulated system, these institutions are particularly vulnerable and susceptible to undue influence. Organized criminals have taken advantage of the many corrupted operators within the criminal justice system, from politically militant judges who demand money to enhance their party's coffers and line their own pockets, to law enforcement officers who are motivated by greed or party affiliation to ignore the law and the reappointment of a chief prosecutor who manipulates the law and the evidence to suit the political or financial interests of his party's boss. Whatever the reasons for these public servants' betrayal of the public's trust, transnational organized criminals have benefited as the ideal of law, order and justice in Nicaragua becomes more distant. Currently, the intolerably high levels of corruption in the public sector, including the judiciary, have caused Nicaragua to become a magnet and haven to transnational criminal organizations.

Plan of Action

13. (SBU) To succeed in this setting, we must develop over

time an independent, specialized and complex set of law enforcement components that contribute to the investigation, prosecution and adjudication of corruption crimes. This implies the creation of a specialized unit to deal exclusively with corruption and related crimes. This unit will bolster intelligence gathering and information sharing, improve the skills of its members, centralize knowledge and capacity to increase the effectiveness of these resources with regards to enforcement and take over the sensitive issues from ordinary law enforcement agencies that have been perceived as corrupt. The unit will be strongly centralized at the national level and staffed with hand-picked, vetted specialists, such as financial crimes investigators and independent prosecutors. To increase efficiency the unit will operate as a "strike force," vested with the ability to investigate corruption cases and the power to initiate prosecutions. It will be located in its own building and will report directly to the police chief and attorney general. This will enhance independence and assure competence of law enforcement authorities entrusted with investigating and prosecuting corruption while providing a buffer against political and administrative interference. Ultimately, this arrangement will prevent corruption within the different components of the criminal justice system.

¶4. (SBU) Embassy Managua considers it important to have a well-trained, trustworthy unit to locally investigate and seek domestic prosecution in Nicaraguan courts of high profile corruption-related offenses. This commitment by the Embassy, INL, the RLA program and DEA furthers the USG's policy to assist Nicaragua develop a credible program to combat its rampant public and private corruption.

¶5. (SBU) The long term value that this unit can provide toward achieving this goal can only be realized by providing its well intentioned and eager members the capacity and technical tools to investigate complex criminal offenses involving, in most instances, politically charged cases and locally influential individuals.

Capacity Building and Training Begins

¶6. (SBU) RLA has begun providing specialized training for the unit. Coordination and support has been obtained from DOJ OPDAT, ICITAP-Colombia, Internal Revenue Service, Criminal Investigation Division (IRS-CI) and the Federal Bureau of Investigation (FBI).

¶7. (SBU) In March 2007, RLA coordinated an interactive workshop to develop a short-term strategy to fight low-level public corruption. DOJ OPDAT, FBI and RLA held a 3-day workshop to develop a best practices handbook to investigate and prosecute economic and corruption related crimes (REFTEL). In April, seven unit members, along with other Nicaraguan law enforcement personnel and prosecutors participated in a second encounter to continue developing and refining the handbook. Additional working sessions have been scheduled for the coming months until the techniques are ready for implementation.

¶8. (SBU) RLA is coordinating both basic and specialized training on how to conduct criminal investigations. In March 2007, ICITAP-Colombia delivered a 5-day training session on interrogation techniques to all 18 members of the vetted unit. In addition, 2 Nicaraguan National Police internal affairs investigators participated in the training. The training included both theory as well as practical exercises and provided the participants with useful tools to conduct interrogations of suspects and defendants.

¶9. (SBU) In April 2007, a senior trial attorney from DOJ's Office of International Affairs and a former AUSA from the District of Columbia handling extraterritorial investigations and cases with vetted units in Colombia, Peru and elsewhere made a presentation to select members of the vetted unit. He emphasized the importance of teamwork, case preparation and career development and how it contributes to the success of

the unit's goals. Additionally, he discussed a few of his experiences working with other Latin American units in the investigation and the prosecutorial stages of high-profile cases.

¶10. (SBU) Two hand-picked vetted unit members and a prosecutor attended a technical assistance program sponsored by OPDAT and delivered by DOJ and FBI cyber-crime experts in San Jose, Costa Rica. The program focused on teaching practical aspects of forensic investigations related to cyber-crime and other computer crimes.

Scheduled Future Training Events

¶11. (SBU) RLA coordinated with Plan Colombia's JSRP to visit Colombia's specialized units in May 2007. RLA will visit the anti-corruption, human rights, anti-narcotics, money laundering and asset forfeiture and intellectual property (cyber-crimes) units to observe how they are organized, learn more about how they operate and discuss how they coordinate their investigations with prosecutors to bring forward and prepare cases for prosecution. We would like to replicate, to the extent practicable, the model implemented by the specialized units in Colombia.

¶12. (SBU) American Embassy Honduras and OPDAT are conducting a practical technical assistance program that will follow up on their strategy to combat crimes associated with violations of intellectual property rights. The late May program will feature the development of practical law enforcement investigation techniques like developing an investigative plan, planning and conducting searches and analyzing and cataloguing the recovered evidence. RLA will assist in the program as a facilitator and will accompany two participating Nicaragua vetted unit members.

¶13. (SBU) IRS-CI International Training Division at the National Criminal Investigation Training Academy will be conducting a needs assessment of the unit in May 2007 in order to design a comprehensive financial investigation techniques training, in various progressive modules, to provide capacity building in forensic accounting and investigative techniques that would benefit criminal investigators in identifying and detecting access by corrupt public officials to financial systems. That program will be offered in the Fall.

¶14. (SBU) The unit's success depends not only on the capacity and training skills imparted to the unit members, but also on the development of its members from the human asset standpoint. In order to build camaraderie, team spirit and cohesion and develop leadership skills, ICITAP-Colombia will offer a technical assistance program on team building and leadership to all 18-unit members in mid June. Additionally, ICITAP-Colombia will also offer an advanced interviewing skills and techniques course the last week of June for all members.

¶15. (SBU) RLA is coordinating with DHS Central America agents to provide training assistance to the unit regarding criminal violations and administrative responsibilities like money laundering, immigration and customs violations, contraband, cyber-crime, etc. within their investigative responsibilities.

¶16. (SBU) RLA is coordinating with NAS-Dominican Republic to schedule an anti-corruption training program that emphasizes the relationship between corruption, narcotics trafficking and financial crimes. This program will be offered in the fall.

Training in US Criminal Law and Procedures

¶17. (SBU) The unit will need, at times, to conduct investigations and gather evidence for cases that will not be prosecuted in local Nicaraguan courts but rather in United

States federal courts or elsewhere. RLA will provide technical assistance to train the members of the unit in the concepts of U.S. criminal law involving offenses like money laundering, narcotics and arms trafficking, electronic surveillance, undercover operations, entrapment, debriefing and use of cooperating witnesses, plea agreements, among others.

¶18. (SBU) DOJ Tax Division attorney and an investigator from and IRS-CI will train unit members in use of international assistance instruments like multilateral legal assistance treaties, letters rogatory and techniques for conducting international money laundering investigations.

Conclusion

¶19. (SBU) The success of the vetted unit in achieving its mission depends on many factors. Most notably, these include the following: the prevailing political climate; the degree of commitment and independence from pressures by the chief of police; and the willingness of the prosecuting agencies in Nicaragua, and are beyond our control. Other factors, like the motivation of and willingness of unit members to tackle corruption -- one case at a time -- and our commitment to aid the development of specialized skills for the unit to make credible progress are well within our control.

Implementation, enforcement, and self-sustainability in the short term depend on the USG not abandoning the field and providing all the necessary tools, including equipment and the development of human assets, to give the unit a meaningful opportunity to wage a credible fight against the corruption that pervades many of the public institutions in Nicaragua. The likelihood of success will be greatly enhanced by continued commitment to maintaining an RLA assigned to Nicaragua. Post's request for INL and DOJ to consider continuance of funding for Post's RLA program will follow septel.

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